

HOFFMAN, WARNICK & D'ALESSANDRO LLC

Intellectual Property Law
www.hwdpatents.com

Three E-Comm Square
Albany, NY 12207
Phone: (518) 449-0044
Fax: (518) 449-0047

FACSIMILE TRANSMISSION

FOR: Yogesh C. Garg - Art Unit 3625
COMPANY: United States Patent and Trademark Office
FROM: John W. LaBatt
DATE: October 1, 2002
NUMBER OF PAGES TO FOLLOW: 2
DESTINATION PHONE NUMBER: (703) 872-9326
NOTE:

Please see attached Amendment for Application Serial No. 09/634,435.

Official

FAX RECEIVED

OCT 01 2002

GROUP 3600

If you do not receive any of the pages, please call (518) 449-0044.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

John LaBatt

Type or print name of person signing certification

John LaBatt

Signature

10/1/02

Date

NOTE: The information contained in or attached to this facsimile is attorney's PRIVILEGED AND CONFIDENTIAL information intended only for the person or entity named above. If you are not the intended recipient or someone responsible for delivering it to the intended recipient, please be aware that any copying or dissemination of this communication is STRICTLY PROHIBITED. If you receive this communication in error, please notify us at the telephone number listed above.

10/7/02

Art Unit: 3625

Docket No.: JA999802

Examiner: Garg, Yogesh C.

**Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231**

Sir:

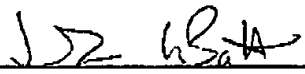
Claims 19-38 are pending in this application. In the Office Action, the Office withdrew claims 19-31 and 38 from consideration as allegedly being directed to a non-elected invention; claim 32 was objected to for including an informality; and claims 32-37 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Zeanah.

Applicant's representative appreciates the courtesies provided by the Examiner regarding this Office Action. In a telephone interview between Applicant's representative and the Examiner on August 8, 2002, it was determined that the election requirement was improper because Applicant previously filed a request for continued examination. The Examiner stated that the Office Action dated July 2, 2002 would be withdrawn, and a new Office Action would be provided in the coming weeks.

In a second telephone interview conducted on September 9, 2002, the Examiner confirmed that the previous Office Action would be withdrawn and a new Office Action would be provided. On September 30, 2002, the Examiner left a telephone message with Applicant's representative stating that the previous Office Action has been withdrawn, and a new Office Action has been sent for mailing sometime during the week.

In light of the above, Applicant respectfully submits that no response to the substance of the Office Action dated July 2, 2002 is required. Should the Examiner require anything further, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



John W. LaBatt
Reg. No.: 48,301

Date: October 1, 2002
Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)